

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America,

Plaintiff,

v.

Criminal No. 00-152-01-JD

Patrick McKenna,

Defendant.

CONSENT ORDER OF PAYMENT

Plaintiff, the United States of America, having obtained Judgment in the captioned action, and the defendant, having consented to the making and entry of this Consent Order of Payment, hereby agree as follows:

1. This Court has jurisdiction over the subject matter of this litigation and over all parties thereto.

2. The defendant hereby agrees to repay the balance of the restitution in the sum of \$9,568.90.

3. Plaintiff's consent to the entry of this Order of Payment is based upon certain financial information which defendant has provided to plaintiff and the defendant's express representation to plaintiff that he is unable to presently pay the amount of restitution in full. The plaintiff's consent to the entry of this Order of Payment also is based upon the further representation of the defendant that he will well and truly honor and comply with the Order of Payment entered in this case which provides terms and conditions for the defendant's payment of the restitution in regular monthly installment payments, as follows:

(a) Beginning on or before the 1st day of April, 2006, the defendant shall tender to the United States a bank check or money order, payable to the Clerk, U.S. District Court, in the amount of \$150.00 and shall tender a like sum on or before the 1st day of each of the following months until the entire amount of the Judgment is paid in full. Defendant agrees to submit a financial statement on or before February 1 of each year and understands that the monthly payment amount may be increased, if appropriate.

(b) The defendant shall mail each monthly installment payment to: Clerk, U.S. District Court, 55 Pleasant Street, Room 110, Concord, NH 03301. Personal checks will not be accepted.

(c) The defendant shall keep the United States currently informed, in writing, of any material change in his financial situation or ability to pay, and of any change in his employment, place of residence, or telephone number. Defendant shall provide such information to the United States Attorney at 53 Pleasant Street, 4th Floor, Concord, NH 03301-3904.

(d) The defendant shall provide the United States with current, accurate evidence of his assets, income and expenditures (including, but not limited to, his Federal income tax returns) on an annual basis or within fifteen (15) days of a request for such evidence by the United States Attorney.

4. A Notice of Lien shall be recorded among the records of the Registry of Deeds in the county of residence of the defendant, and all other jurisdictions where it is determined by the United States that the defendant owns real or personal

property. Notwithstanding the periodic payment schedule specified in paragraph 3(a), the lien secured by the Abstract of Judgment will not be released in anticipation of a sale or transfer of defendant's real property until the United States receives full payment of the balance of the Judgment or such other lump sum as the United States may agree.

5. Defendant acknowledges that the debt which is the subject of this Order of Payment originated from a Judgment in a Criminal Case entered by this Court on June 18, 2001, for an order of restitution which remains subject to the exception from discharge provisions of 11 U.S.C. § 523.

6. Default under the terms of the Consent Order of Payment will entitle the United States to execute on the Judgment without notice to the defendant. The parties agree that the defendant shall be in default under the terms of the Order of Payment if any payment is not received in the United States District Court by the 5th calendar day after the payment due date as specified in paragraph 3(a) above.

7. The defendant has the right of prepayment of this debt without penalty.

8. The parties further agree that any Consent Order of Payment which may be entered by the Court pursuant hereto may thereafter be modified and amended upon stipulation of the parties; or, should the parties fail to agree upon the terms of a

new stipulated Order of Payment, the Court may, after examination of the defendant, enter a supplemental Order of Payment.

THOMAS P. COLANTUONO
United States Attorney

/s/ Patrick McKenna
Patrick McKenna, pro se
20 Stagecoach Road
Durham, NH 03824

By: /s/ David L. Broderick
David L. Broderick (No. 0123)
Assistant U.S. Attorney
U.S. Attorney's Office
53 Pleasant Street, 4th Floor
Concord, NH 03301-3904

DATED: March 18, 2006

DATED: March 23, 2006

APPROVED THIS

DAY OF

, 2006.

U.S. District Court Judge